

17.1(b) by requesting that the receiving office prepare and transmit the priority document to the International Bureau. Thus, Applicant does not have to separately file a certified copy of the priority document. According to PCT Rule 17.2, the International Bureau shall furnish a copy of the priority document to the designated Office (U.S. Patent Office) at the specific request of the designated Office. Rule 17.2 explicitly recites that "[n]o such Office shall ask the applicant himself to furnish it with a copy [of the priority document]." As required under PCT Rule 17.2, it is the U.S. Patent Office that must request a copy of the priority document from the International Bureau. Further, the admonition in the Response to Arguments section is particularly inappropriate in view of the Office Action levying a requirement on Applicant that is not supported by the Rules or the law.

To expedite prosecution to allowance without further delay regarding the priority issue, Applicant today separately forwarded a certified copy of the priority document to the U.S. Patent Office. Applicant requests that the Office acknowledge receipt of the priority document.

The Office Action rejects claims 9-26 under 35 U.S.C. §103(a) over JP-A-2002-174593 (Kiyoshi) in view of JP-A-11-278983 (Kenji). This rejection is respectfully traversed.

As discussed during the interview, Kiyoshi and Kenji in combination, would not have rendered obvious the combination of features recited in claim 9, including "a position at which the oxygen concentration is maximum or minimum . . . is determined as a cut position according to the measurement results" and "the ingot is cut in a perpendicular direction to the growth axis at the cut position into blocks each having the oxygen concentration being maximum at one end thereof and the oxygen concentration being minimum at the other end thereof."

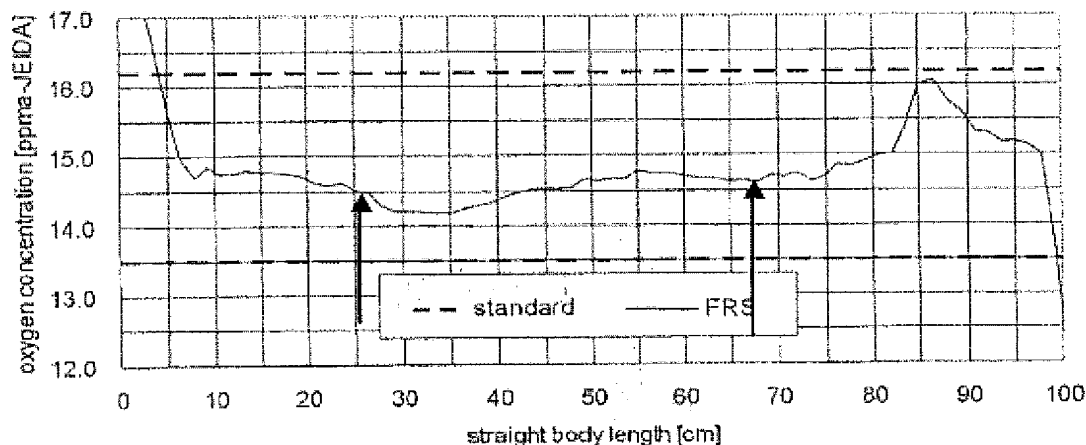
The Office Action alleges that the "predetermined value" of the oxygen concentration disclosed in Kiyoshi corresponds to the claimed maximum or minimum value (Office Action, page 3). This allegation is unsupported by Kiyoshi's disclosure and, thus, incorrect.

Merely disclosing that the single crystal ingot is cut at positions having a predetermined value does not disclose the specific feature that the cut positions are the maximum and minimum oxygen concentrations of the cut block. Specifically, Kiyoshi discloses that a single crystal ingot is cut into blocks that have a predetermined oxygen density based on obtained oxygen density values (paragraph [0007]). The cut positions are determined based solely on the resulting block having the predetermined oxygen density. Kiyoshi does not disclose that the cut positions correspond to the maximum or minimum values of the oxygen density for the resulting block.

The Office Action impliedly acknowledges that Kiyoshi does not disclose that the cut positions are the maximum and minimum oxygen concentrations. Specifically, the Office Action alleges that Kiyoshi's cut positions merely would be the maximum and minimum concentrations because of the properties of a single crystal ingot formed as result of the Cz pulling process (Office Action, page 6). The Office Action alleges that the Cz pulling process produces an ingot with a maximum oxygen concentration at one end of the ingot and a minimum oxygen concentration at the other end of the ingot, and with the oxygen concentration between being a linear function of the length of the ingot. (Office Action, page 6). This allegation is incorrect.

The Office Action fails to consider, as disclosed in Kiyoshi, that the local oxygen concentrations within a single crystal ingot fluctuate along the length of the ingot. *See* Kiyoshi, paragraph [0009] (discussing the fluctuation of the local oxygen density within a single crystal ingot). Figs. 2-4 of the current application further illustrate that the oxygen concentration along the length of a single crystal ingot fluctuates. Because the oxygen

concentration is not a linear function of the length, if cut marks are made at the two arrows in the reproduction of Fig. 2 of the current application below, the resulting block of the single crystal ingot would not have a maximum or minimum oxygen concentration at either end of the block despite the resulting block being within the oxygen concentration range.



Rather, the maximum and minimum oxygen concentrations would be in the middle of the block. Thus, simply cutting a single crystal ingot at any position so that the resulting block has a predetermined oxygen concentration does not disclose cutting the ingot at points where the maximum and minimum oxygen concentrations occur for the resulting block.

Accordingly, Kiyoshi fails to disclose the above-recited features of claim 9.

Kenji fails to cure Kiyoshi's deficiencies. Rather, Kenji merely discloses cutting blocks of a single crystal ingot that meet certain oxygen concentrations into wafers (Office Action, page 4). Kenji also merely discloses obtaining more than one variety of products from a single grown crystal (Kenji, paragraphs [0007]-[0008]).

Further, the Office Action notes that Kiyoshi discloses specific values in the specification and that Kenji discloses a rationale for working with the material (Office Action, page 6). The Office Action further notes that Applicant has not claimed specific concentration points (Office Action, page 6). Regardless of whether Kiyoshi and Kenji disclose specific values in the specification and a rationale for working with the material,

neither reference discloses the above-recited features of claim 9. Additionally, Applicant is not required to claim specific concentration points. Thus, the Office Action's observations are irrelevant.

Based on the foregoing, Kiyoshi and Kenji, either alone or in combination, would not have rendered obvious the combination of features recited in claim 9, including the above-recited features. Claims 10-26 would also not have been rendered obvious by the applied references for at least the same reasons, as well as for the additional features the claims recite.

Accordingly, withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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